

Law Office Of  
**CARY SCOTT GOLDINGER P.C.**  
400 Garden City Plaza, Suite 420  
Garden City, New York 11530  
(516) 227-3344 Fax (516) 227-3351  
[www.goldinger.com](http://www.goldinger.com)

CARY SCOTT GOLDINGER

csg@goldinger.com

December 6, 2024

**VIA ECF**

Honorable Magistrate Cheryl L. Pollak  
United States District Court Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**RE: American Transit Insurance Company v. Pierre et al**  
**Docket No.: 1:24-cv-00360-RPK-CLP**

Dear Magistrate Pollak:

Please be advised that my office, along with Adam Dressler, Esq. represent defendant Bradley Pierre in the above referenced matter. We are writing pursuant to Your Honor's November 14, 2024, Order, requesting a status conference on the discovery in this matter and addressing some of the issues raised in plaintiff's status letter to the court of today's date- sent without consulting counsel for defendants.

First of all, we were of the understanding that the status report regarding discovery would be submitted jointly by all parties. However, plaintiff chose to send its letter without ever attempting to contact our office or counsel for defendant Bill Weiner.

Moreover, pending the Judge's ruling on Your Honor's Report and Recommendation which concluded that Mr. Pierre had both a meritorious defense and valid excuse for in this action and therefore recommended that the default be vacated, Mr. Perkins has treated Mr. Pierre as a non-party. Based upon that decision, Mr. Perkins has excluded my law firm and Mr. Dressler's from the majority of his communications in this action and refused to serve us with any documents. Mr. Dressler and I filed notices of appearance and represent Mr. Pierre. We have fully participated in this action including the court conferences and accordingly must be copied on all communications and provided with copies of documents served.

With respect to plaintiff's objections over Mr. Pierre's responses to the non-party subpoena that he did not serve upon us, we emailed him Mr. Pierre's responses on Monday, December 2, 2024 in accordance with Your Honor granting Mr. Pierre the additional time to respond. The fact that Mr. Perkins did not like the responses does not mean said responses are insufficient. Mr. Pierre has every right to exercise his constitutional privilege to invoke his fifth amendment rights, which were never waived. As the court is aware, Mr. Pierre is currently serving a 10 year sentence in Lewisburg Federal Prison where he pled guilty to a single count of bribery and a single count of tax evasion. However, Mr. Pierre is still subject to possible criminal charges regarding other potential crimes in other jurisdictions, and as such, he absolutely has the right to invoke his Fifth Amendment privilege. The responses were therefore timely and proper.

As to the non-party subpoena that plaintiff claims was not responded to regarding MRC, Mr. Perkins *never* served my office nor Mr. Dressler's with that subpoena. In fact, we had no knowledge of the MRC subpoena until Mr. Perkins emailed us a copy the other day. When I requested that Mr. Perkins provide us with proof of service, he refused. Absent proper service, the non-party subpoena is invalid. If plaintiff chooses to properly serve the non-party subpoena in the future, at such time we will consult with Mr. Pierre, the sole shareholder of MRC and advise of whether or not we are being retained by MRC for said purpose. Absent there being a valid subpoena, it is a moot point.

Defendants have actively pursued settlement discussions with plaintiff's counsel and in spite of the parties being far apart, we will continue our efforts to bring this case to a resolution as it is in the best interests of all parties to do so.

We thank the court for its courtesy and consideration herein.

Respectfully submitted.

  
Cary Scott Goldinger, Esq.  
(CSG 4983)

James Perkins, Esq.  
Matthew Conroy, Esq.  
Adam Dressler, Esq.  
Skip Short, Esq.